

Exhibit "A"

March 16, 2004

Mayor & City Council
County-City Building
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for March 1 through March 15, 2004

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of March 1 through March 15, 2003. This report will describe the claims and the dispositions or status of these claims.

ALLOWED/SETTLED CLAIMS:

Matthew Strand filed a claim during the month of January, 2004, in the amount of \$546.42 for damage incurred to vehicle when it was allegedly struck by a snowplow. This claim has been reviewed by this office and has been **allowed** in the amount of \$546.42.

Nathan E. Thomas filed a claim during the month of February, 2004, in the amount of \$4,460.14 for damage incurred to his vehicle as the result of an accident involving a City police vehicle. This claim has been **settled** in the amount of \$2,230.07.

Eric Reil filed a claim during the month of February, 2004, in the amount of \$1,847.98 for damage incurred to vehicle when it was struck by a snowplow. This claim has been **settled** by this Risk Management Office in the amount of \$1,700.

Darrell Pavey Jr. filed a claim during the month of February, 2004, in an unspecified amount for return of vehicle sold at auction and property that was inside the subject vehicle. The Lincoln Police Property Room has resolved claimant's claim.

Otha Serrell filed a claim during the month of February, 2004, in the amount of \$765.25 for damage incurred to vehicle when it was struck by a snowplow. This claim has been reviewed by this office and has been **allowed** in the amount of \$765.25.

Steve Fuehrer filed a claim during the month of March, 2004, in an unspecified amount for replacement of his ID which was misplaced during his arrest by a Lincoln police officer. This claim has been reviewed by this office and has been **allowed** in the amount of \$11.25.

DENIED CLAIMS:

Carol J. Portsche filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to her mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Robb Hayes filed a claim during the month of December, 2003, in an unspecified amount for alleged damage incurred to his mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Charles A. Chandler filed a claim during the month of December, 2003, in the amount of \$17.96 for alleged damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

David and Donna Taylor filed a claim during the month of December, 2003, in the amount of \$75.84 for alleged damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Betty Mumford filed a claim during the month of January, 2004, in the amount of \$35.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Tammy Rogers filed a claim during the month of January, 2004, in the amount of \$30.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Randall J. Kuta filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Jill Meile filed a claim during the month of January, 2004, in the amount of \$10.69 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Angela R. Owens filed a claim during the month of January, 2004, in the amount of \$34.39 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Nicholas Wemhoff filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Joseph E. Banset Jr. filed a claim during the month of January, 2004, in the amount of \$150.00 for damage allegedly incurred to mailbox and planter as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

David Hywood filed a claim during the month of January, 2004, in the amount of \$65.99 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Scott Romine filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Continental Western Group (The 3 Amigos Properties LLC, Insured) filed a subrogation claim during the month of January, 2004, in an unspecified amount for injury incurred to Robert Hummel who fell on a sidewalk next to insured's property at 620 North 48th Street in Lincoln. This claim has been reviewed by this office and has been **denied**.

Knickerbockers filed a claim during the month of January, 2004, in an unspecified amount for damage allegedly incurred to water main shutoff valve as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Kristin Meester filed a claim during the month of January, 2004, in the amount of \$1,862.43 for damage incurred to her vehicle when it was allegedly struck by a snowplow. This claim has been reviewed by this office and has been **denied**.

Don Handy filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Cathy Smith filed a claim during the month of January, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Darwin Bietz filed a claim during the month of January, 2004, in the amount of \$86.82 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Barb Stokke filed a claim during the month of January, 2004, in the amount of \$8.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Jane and Norm Schuller filed a claim during the month of January, 2004, in the amount of \$55.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Denise Arnold filed a claim during the month of February, 2004, in the amount of \$53.47 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Frederic "Buck" Kiechel IV filed a claim during the month of February, 2004, in the amount of \$171.33 for damage incurred to tire as the result of an alleged defect in the street. This claim has been reviewed by this office and has been **denied**.

Cindy Doné filed a claim during the month of February, 2004, in the amount of \$50.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

June Beeman filed a claim during the month of February, 2004, in the amount of \$42.78 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Patrick Parolek filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Christine A. Huenink filed a claim during the month of February, 2004, in the amount of \$95.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

JoAnne Baldwin filed a claim during the month of February, 2004, in the amount of \$21.13 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Frank M. Rich filed a claim during the month of February, 2004, in the amount of \$159.20 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Clinton Palu filed a claim during the month of February, 2004, in the amount of \$200 for reimbursement of expenses incurred for the removal of snow from his driveway. Claimant alleges the snow was pushed into his driveway by City personnel. This claim has been reviewed by this office and has been **denied**.

Darren and Crystal Prouty filed a claim during the month of February, 2004, in the amount of \$14.96 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Chris Sheridan filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Rex Mercer filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Karen C. Tadsen filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Mylo R. Bushing filed a claim during the month of February, 2004, in the amount of \$35.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Patricia Brookhouser filed a claim during the month of February, 2004, in an unspecified amount for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Mike Creighton filed a claim during the month of February, 2004, in the amount of \$53.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

Joann Sturdy filed a claim during the month of February, 2004, in the amount of \$30.01 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Mick and Jane Pierce filed a claim during the month of February, 2004, in the amount of \$48.98 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Tanya West filed a claim during the month of February, 2004, in the amount of \$68.82 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Troy Karsting filed a claim during the month of February, 2004, in the amount of \$102.94 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Phyllis M. Moore filed a claim during the month of February, 2004, in the amount of \$149.75 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Jenelle Plachy filed a claim during the month of February, 2004, in an unspecified amount for damage allegedly incurred to mailbox when Public Works personnel were removing snow from the storm drain which is located near claimant's mailbox. This claim has been reviewed by this office and has been **denied**.

Cindy Farley filed a claim during the month of February, 2004, in the amount of \$53.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Bruce Bottsford filed a claim during the month of February, 2004, in the amount of \$51.35 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

D. Mark Brown filed a claim during the month of February, 2004, in the amount of \$130.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Mrs. Doyle Crawford filed a claim during the month of February, 2004, in the amount of \$67.00 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Kaye Sasek filed a claim during the month of February, 2004, in the amount of \$85.27 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Bonnie Collins filed a claim during the month of February, 2004, in the amount of \$53.47 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Benne Linder filed a claim during the month of February, 2004, in the amount of \$22.15 for damage incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

Sarai Bloomquist filed a claim during the month of February, 2004, in the amount of \$53.00 for reimbursement of tow fee. This claim has been reviewed by this office and has been **denied**.

Mike Puckett filed a claim during the month of February, 2004, in the amount of \$185.13 alleging that his vehicle was struck by a StarTran bus while it was parked on the street. This claim has been reviewed by this office and has been **denied**.

Deb Yeutter filed a claim during the month of March, 2004, in the amount of \$366.03 for damage incurred to vehicle as the result of a pothole in the street. This claim has been reviewed by this office and has been **denied**.

Rosanna Meyer filed a claim during the month of March, 2004, in the amount of \$40,000 for injury incurred on December 14, 2003, when she fell on a street that had ice and snow on it. This claim has been reviewed by this office and has been **denied**.

Wilma Naylor filed a claim during the month of March, 2004, in the amount of \$897.23 for damage incurred to her vehicle when it was struck by sand or gravel from a passing truck. This claim has been reviewed by this office and has been **denied** for the reason that the incident occurred outside the City's jurisdiction.

Lloyd L. Goracke filed a claim during the month of March, 2004, in an unspecified amount for injury incurred on February 4, 2004, when he fell on a snow-covered street. This claim has been reviewed by this office and has been **denied**.

Thomas L. Lannin filed a claim during the month of March, 2004, in the amount of \$5,300.62 for damage incurred to his vehicle as the result of an accident involving a Public Works vehicle. This claim has been reviewed by this office and has been **denied**.

EMC Insurance Co. (Claim No. BW3019080; Sanitary Garbage Co. Inc., Insured) filed a subrogation claim during the month of March, 2004, in an unspecified amount for workers compensation benefits paid as the result of an injury incurred to Insured's employee, Paul VonBusch, when he allegedly tripped on a metal pipe protruding from the ground in the right-of-way. This claim has been reviewed by this office and has been **denied**.

PENDING CLAIMS:

County of Lancaster filed a claim during the month of October, 2001, for medical expenses incurred as the result of an arrest by Lincoln police of an individual who was taken to the hospital for treatment of injuries allegedly incurred during his arrest. The County alleges that they inadvertently paid for part of the medical expenses. This claim is under review and is **pending**.

Inspro Insurance filed a claim on behalf of **Darrin Brittenham** during the month of February, 2003, in the amount of \$1,900.98 for damage incurred to vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

Carl Campbell, President of Campbell Properties Corporation filed a claim during the month of April, 2003, in the amount of \$306,500 alleging that the City failed to remove obstructions consisting of trees, limbs, debris, and rubbish in the watercourse running through Beal Slough allegedly causing water flowing through Beal Slough to erode the property of the claimant. This claim is under review and is **pending**.

Linda Voss filed a claim during the month of May, 2003, for damages and injuries incurred as the result of a motor vehicle accident involving a StarTran bus. This claim is under review and is **pending**.

Williamsburg Partnership d/b/a Williamsburg Apartments filed a claim during the month of September, 2003, in the amount of \$47,311.76 for alleged damages incurred as the result of a water main break. This claim is under review and is **pending**.

Liberty Mutual Insurance (Richard Rung/United Parcel Service , Insured) filed a claim during the month of December, 2003, in an unspecified amount for alleged injury incurred to Richard Rung when he, while delivering a package, stepped into an 18-inch hole between the sidewalk and the street, which was allegedly covered by leaves. This claim is under review and is **pending**.

Awards Unlimited filed a claim during the month of December, 2003, in the amount of \$23,939.63 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

FMA Realty / B & J Partnership / Brewsky's filed a claim during the month of December, 2003, in the amount of \$12,399.13 for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Scott Cather filed a claim during the month of December, 2003, in an unspecified amount for damage incurred to mailbox when it was struck by a StarTran bus. This claim is under review and is **pending**.

Ricky Austin filed a claim during the month of December, 2003, in the amount of \$500,000 for alleged injury incurred while claimant was in police custody in the back seat of a police vehicle when it was rear-ended by another police vehicle. This claim is under review and is **pending**.

State Farm Insurance Company (Richard D. Scholl, Insured) filed a subrogation claim during the month of January, 2004, for expenses incurred as the result of a motor vehicle accident involving a Lincoln police vehicle. This claim is under review and is **pending**.

Daniel Nelson filed a claim during the month of January, 2004, in the amount of \$608.98 for reimbursement of attorney fees he incurred for his defense of citations which he claims were wrongfully issued by a Lincoln police officer. This claim is under review and is **pending**.

Ben McCaslin filed a claim during the month of January, 2004, in the amount of \$2,377.56 for damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Randall Heiliger filed a claim during the month of February, 2004, in the amount of \$1,200.79 for damage incurred to his vehicle as the result of an accident involving a City snowplow. This claim is under review and is **pending**.

Chad D. Hartl filed a claim during the month of February, 2004, in the amount of \$4,981.76 for damage incurred to vehicle as the result of an accident involving a snowplow. This claim is under review and is **pending**.

Sandra L. Thompson filed a claim during the month of February, 2004, in the amount of \$1,547.20 for damage incurred to vehicle when it was struck by a Lincoln fire truck. This claim is under review and is **pending**.

Gaylen Bartling filed a claim during the month of February, 2004, in the amount of \$2,054.71 for damages incurred to rental property as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Plaza Mall South filed a claim during the month of February, 2004, in the amount of \$1,164.70 for expenses incurred as the result of a sanitary sewer back-up. This claim is under review and is **pending**.

Deanna Zaffke filed a claim during the month of March, 2004, in an unspecified amount for damage incurred to the windshield of her vehicle as the result of debris from a City mower. This claim is under review and is **pending**.

Valerie Hansen filed a claim during the month of March, 2004, in the amount of \$967.33 for damage incurred to her vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

Thomas D. & Billie L. Burch filed a claim during the month of March, 2004, in the amount of \$1,020.83 for damage incurred to vehicle when it was struck by a snowplow. This claim is under review and is **pending**.

Misha Ferguson filed a claim during the month of March, 2004, in the amount of \$1,147.58 for damage incurred to her stolen vehicle during a police chase. This claim is under review and is **pending**.

Thomas J. Keller filed a claim during the month of March, 2004, in the amount of \$145.00 for the cost of making a key for his vehicle, which key was allegedly lost while claimant was being arrested. This claim is under review and is **pending**.

Dawn Wimes filed a claim during the month of March, 2004, in an unspecified amount for damage incurred to her vehicle when it was struck by a Lincoln police vehicle. This claim is under review and is **pending**.

Rita Newell filed a claim during the month of March, 2004, in the amount of \$122.00 for damage incurred to mailbox as the result of snow removal activity. This claim is under review and is **pending**.

Diane Miller filed a claim during the month of March, 2004, in the amount of \$110.00 for the removal of tar from vehicle. Claimant alleges that the tar came from a vehicle that was being used for pothole repair. This claim is under review and is **pending**.

Pam Hansen filed a claim during the month of March, 2004, in an unspecified amount for damage incurred to her vehicle when it was allegedly struck by a StarTran bus. This claim is under review and is **pending**.

PENDING TORT LITIGATION:

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim on August 13, 2001, and filed a petition in the Lancaster County District Court on August 15, 2001. Litigation is **pending**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 4, 2001. Counsel for claimant filed a petition in the Lancaster County Court on September 24, 2001. Plaintiff prays for special damages in the amount of \$4,014.13, general damages, interest, and costs of action. Litigation is **pending**.

Jason Blair filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on September 26, 2001. Plaintiff prays for judgment in the amount of \$10,875.23, general damages, and costs of action. Litigation is **pending**.

Robert Blankenship filed a claim during the month of December, 2000, for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 17, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on December 20, 2001. Litigation is **pending**.

Rex Miller filed a claim during the month of October, 2001, in the amount of \$20,000 for alleged injury incurred when the swing that claimant was swinging on at Ballard Park allegedly failed and dropped claimant to the ground. This claim was reviewed by this office and denial of this claim was approved by the City Council on January 14, 2002. Counsel for Rex Miller filed a petition in the Lancaster County District Court on June 27, 2002. Litigation is **pending**.

Sue and Bill Wilson filed a claim during the month of April, 2002, in an unspecified amount for alleged damages incurred when Sue Wilson tripped on a mat at the Ager Play Center. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Litigation was filed in the Lancaster County District Court and is **pending**.

Patricia and James Dodson filed a claim during the month of March, 2002, on behalf of their minor daughter, Jean Dodson, who was playing keyboard with her high school pep band at State basketball tournaments at Pershing Auditorium, when she allegedly received an electrical shock while adjusting an amplifier which was connected to an extension cord supplied by Pershing Auditorium. Claimants alleged that the extension cord was faulty. This claim was referred to the insurer for Pershing Auditorium. Claimants withdrew their claim on January 21, 2003. A petition was filed in the Lancaster County District Court on January 30, 2003. Plaintiffs are praying for special damages in the amount of \$29,478.26 for medical expenses incurred to date, future medical expenses, temporary and permanent disability, pain and suffering to date and likely to be suffered in the future and loss of future earning capacity. Litigation is **pending**.

Steven Shelor filed a claim during the month of August, 2002, for alleged injury incurred when claimant was playing catch with a softball in the vicinity of a culvert. This claim was reviewed by this office and denial of this claim was approved by the City Council on September 16, 2002. Counsel for Steven

Shelor filed a petition in the Lancaster County District Court on February 3, 2003, naming the Lincoln Airport Authority and the City of Lincoln as defendants. Plaintiff is praying for special damages in the amount of \$1,270.00 and general damages. Litigation is **pending**.

Sandra Mueller filed a claim during the month of January, 2003, in the amount of \$650,000 for alleged damages incurred as the result of an alleged incident involving a vehicle operated by a Lincoln Electric System employee. Sandra Mueller's husband, **Duane Mueller**, has filed a claim in the amount of \$250,000 for alleged damages incurred as a result of the alleged incident. These claims were referred to counsel for Lincoln Electric System. Counsel for the Muellers filed a petition in the Lancaster County District Court on August 5, 2003. Litigation is **pending**.

Ella Banks Barbee filed a claim during the month of May, 2002, in the amount of \$75,000. Claimant alleges that she was wrongfully arrested. This claim was reviewed by this office and denial of this claim was approved by the City Council on June 17, 2002. Counsel for claimant filed a complaint in the U.S. District Court on September 8, 2003. Litigation is **pending**.

James Blake filed a claim during the month of March, 2002, in the amount of \$10,139.77 for injury incurred when claimant fell into a water meter pit. This claim was reviewed by this office and denial of this claim was approved by the City Council on April 29, 2002. Counsel for claimant has filed suit in the Lancaster County District Court naming Kwik Shop, Inc., Lincoln Lease Partners, and the City of Lincoln as Defendants. Litigation is **pending**.

Elizabeth Tufts filed a claim during the month of October, 2002, in the amount of \$1,000,000 for damages incurred when claimant was a passenger in a police vehicle that was involved in an accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County District Court on September 26, 2003. Litigation is **pending**.

Leo M. Weiler filed a claim during the month of July, 2003, in the amount of \$150,000. Claimant alleged that Lincoln police officers violated his rights under Neb. Rev. Stat. § 20-152 and the Americans With Disabilities Act. This claim was reviewed by this office and denial of this claim was approved the City Council on September 15, 2003. Claimant filed suit in the Lancaster County District Court on October 15, 2003. Litigation is **pending**.

Nancy K. Carpenter filed a claim during the month of October, 2002, in an unspecified amount for injury allegedly incurred while a passenger on a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 25, 2002. Counsel for claimant filed suit in the Lancaster County Court on October 23, 2003. Litigation is **pending**.

Leonard Hernoud d/b/a Century Towing filed a claim during the month of December, 1998, in the amount of \$4,590.00 for alleged damages resulting from an incident wherein claimant alleges he was instructed by Lincoln police to release a vehicle to an individual without payment of towing and storage charges. This claim was reviewed by this office and denial of the claim was approved by the City Council on July 12, 1999. Counsel for claimant filed a petition in the Lancaster County Court on July 27, 1999. The case was dismissed by the County Court for lack of prosecution on April 5, 2000. Counsel for claimant refiled a petition in the Lancaster County Court on March 25, 2002, captioned Leonard Hernoud II v. Officer Kocian #940. Pursuant to Defendant's motion for summary judgment, the County Court found that the Defendant in this case (Officer Kocian) is immune from being sued for damages and that the statute of limitations has run. Counsel for Plaintiff filed a notice of appeal to the District Court on July 1, 2003. On November 20, 2003, the District Court affirmed the judgment of the

County Court in favor of Defendant, Officer Kocian. The case has now been appealed to the Nebraska Court of Appeals. Litigation is **pending**.

Lawrence Tomsyck filed a claim during the month of October, 2003, in the amount of \$4,763.77 for damage incurred to his vehicle as the result of an accident involving a StarTran bus. This claim was reviewed by this office and denial of this claim was approved by the City Council on November 24, 2003. Counsel for claimant filed suit in the Lancaster County Court on January 28, 2004. Litigation is **pending**.

Jeffrey Meyers filed a claim during the month of July, 2003, in the amount of \$113,121.20 for damages incurred when the tire of the bicycle he was riding fell into a crevice in the street ejecting him from the bicycle. This claim was reviewed by this office and denial of this claim was approved by the City Council on October 27, 2003. Counsel for claimant filed suit in the Lancaster County District Court on January 27, 2004. Litigation is **pending**.

Suzanne Cain filed a claim during the month of July, 2003, in the amount of \$500,000 for injury allegedly incurred as the result of a trip and fall on sidewalk. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 2, 2004. **American International Recovery, Inc. (Omni Behavioral Health, Insured)** filed a subrogation claim during the month of April, 2003, for workers compensation benefits paid on behalf of the insured's employee, Suzanne Cain, as a result of her trip and fall accident. This claim was reviewed by this office and denial of this claim was approved by the City Council on February 23, 2004. Counsel for Suzanne Cain filed suit in the Lancaster County District Court on March 10, 2004, naming Gold's Limited Partnership and City of Lincoln, Nebraska as Defendants and Omni Behavioral Health, Inc. and American International Recovery, Inc. as Third-Party Defendants. Litigation is **pending**.

Eleanor J. Shirley-Kirkland filed a claim in the Small Claim Court of Lancaster County, Nebraska, on February 24, 2004, naming the Lancaster County Health Dept. Animal Control Division as Defendant. Ms. Shirley-Kirkland alleges that Animal Control failed to properly investigate her personal injury when a dog knocked her down and she fractured her wrist which required two surgeries. Litigation is **pending**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management